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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|--|-----------------|----------------------|-------------------------|------------------|--|
| 10/780,714 02/19/2004 | | Hirofumi Takikawa | TAKI3002/EM | TAKI3002/EM 3184 | |
| 23364 7 | 7590 12/12/2005 | | EXAMINER | | |
| BACON & THOMAS, PLLC 625 SLATERS LANE | | | KEANEY, ELIZABETH MARIE | | |
| FOURTH FLOOR | | | ART UNIT | PAPER NUMBER | |
| ALEXANDRIA, VA 22314 | | | 2882 | | |

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| J | V | |

| | Application No. | Applicant(s) | | | | |
|--|---|--------------------------------|--|--|--|--|
| Office Action Summany | 10/780,714 | TAKIKAWA ET AL. | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | Elizabeth Keaney | 2882 | | | | |
| - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed on | | | | | | |
| | action is non-final. | | | | | |
| 3) Since this application is in condition for allowan | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | |
| closed in accordance with the practice under E | x parte Quayle, 1935 C.D. 11, 45 | i3 O.G. 213. | | | | |
| Disposition of Claims | | | | | | |
| 4) Claim(s) 1-12 is/are pending in the application. | | | | | | |
| 4a) Of the above claim(s) is/are withdraw | vn from consideration. | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| 6) Claim(s) is/are rejected. | | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | |
| 8) Claim(s) 1-12 are subject to restriction and/or e | election requirement. | | | | | |
| Application Papers | | | | | | |
| 9)☐ The specification is objected to by the Examine | • | - | | | | |
| 10) The drawing(s) filed on is/are: a) acce | | Examiner. | | | | |
| Applicant may not request that any objection to the | • | | | | | |
| Replacement drawing sheet(s) including the correcti | on is required if the drawing(s) is obj | ected to. See 37 CFR 1.121(d). | | | | |
| 11) The oath or declaration is objected to by the Ex | aminer. Note the attached Office | Action or form PTO-152. | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) ☐ Acknowledgment is made of a claim for foreign | nriority under 35 H.S.C. & 110(a) | -(d) or (f) | | | | |
| a) All b) Some * c) None of: | priority direct 55 5.5.5. § 115(a) | -(d) or (i). | | | | |
| <u> </u> | | | | | | |
| 2. Certified copies of the priority documents | | on No. | | | | |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | | |
| application from the International Bureau (PCT Rule 17.2(a)). | | | | | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
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| Attachment(s) | | | | | | |
| 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) | | | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date | Paper No(s)/Mail Da | | | | | |
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-5 and 8-12, drawn to an electron emission element comprising a carbon substance, classified in class 313, subclass 311.
- II. Claims 6 and 7, drawn to the method of manufacturing a carbon substance, classified in class 427, subclass 249.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the electron emission element comprising a carbon substance can be manufactured using only a single catalyst of iron.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Keaney whose telephone number is (571)272-2489. The examiner can normally be reached on Monday, Tuesday, Thursday, Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571)272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elizabeth Keaney Examiner

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EDWARD J. GLICK SUPERVISORY PATENT EXAMINER